

Council Meeting
September 11, 2017
7:00 p.m.

The council meeting of Mayor and Council was held on the above date and time with Council members DeBenedictis, Carrow, Smith, and Dias present with Mayor Letterman presiding. Town Foreman Jeff Hurlock, Recording Secretary Sue Muncey, Lieutenant Carl Hutson, Town Solicitor Gary Junge, Marvin Pedigo, John W. Davis Jr., Jim Cubbage, Robert Faulkner, and Sandra DeLane were also in attendance.

1. **Call to Order** - Mr. Letterman called the meeting to order at 7:00 p.m.
2. **Pledge to the Flag** – There was a moment of silence before the pledge in remembrance of the victims of 911. Mr. Carrow led the Pledge of Allegiance.
3. **Approval of Minutes** –

Mr. Carrow made a motion to approve the Council Meeting on 08/14/17, the Planning & Zoning Committee Meeting on 08/23/17, the Special Council Meeting on 08/29/17, and the Street Committee Meeting on 8/31/17 in written form. Mr. Dias seconded the motion. Motion carried unanimously.

4. **Approval of Income and Expense Report** –

Mr. Dias made a motion to approve the Income and Expense Report. Mr. Smith seconded the motion. Motion carried unanimously.

5. **Communications** – Ms. DeBenedictis read a thank you card from Byrd's AME Church thanking Mr. Hurlock and the Street Committee for putting up the handicap parking sign. A letter was read from the Delaware Health & Social Services, Office of Drinking Water, dated 08/14/17. This was addressed to Mr. Hurlock thanking him for submitting the 2017 Consumer Confidence Report.
6. **Report of the Chief of Police** – Mr. Hutson had no report.
7. **Report of the Town Foreman** – Mr. Hurlock discussed utility disconnections. There were approximately 50 last month. We are getting calls very late into the evening. The Town Ordinance states reconnection hours stop at 9:00 p.m. This will be put on the disconnection notice. The Town Foreman stated he was called at 1:30 a.m. If he has to send someone out after 9:00 p.m., he will need to send out two people. Also the town crew cannot take credit card payments. He does not want to accept this when they go out. Another issue is new utility deposits. We are having issues with people taking over properties and not making their utility deposit in a timely fashion. This is especially true of foreclosures. He would like to post a notice on the door stating they have five (5) days to make their utility deposit or the electric will be disconnected. Mr. Smith asked if five (5) days was enough. Mr. Carrow asked don't we pull the

electric when the previous person moves out. Mr. Hurlock stated no. Sue stated we cannot take the electric out of the previous person's name until a new utility deposit is completed. Sue asked if this could be done at the time of settlement. Have the person show at the settlement table that they made their utility deposit. Ms. DeBenedictis asked if this was an issue with renters. Mr. Hurlock stated no. Mr. Letterman suggested setting up an Electric Committee meeting to discuss this. Mr. Hurlock stated he wants to make an amendment to the grass cutting ordinance. Currently it states \$50 per hour. He would like to change it to \$75 per hour. They do not want to get into the grass cutting business. Mr. Dias stated he thinks it should be \$100 an hour. Mr. Letterman stated to increase incrementally. Mr. Carrow asked if we had leverage with the railroad to cut the grass on Bassett Street. Mr. Letterman asked if they were still on track with the project. Mr. Hutson stated they should be done on Friday, September 15.

8. Report of the Town Solicitor – Mr. Junge had no report. He will look into the question about utility deposits being required at settlement.

9. Report from Inspections/Enforcement – Mr. Hurlock stated the Code Enforcement Officer has started and he is targeting problems. He is a great addition.

10. Reports from Members of Council

a. Report from Electric Committee – Ms. DeBenedictis stated we did have a storm and a fuse was hit by lightning. A tree also fell.

b. Report from Street Committee – Mr. Smith had no report. Mr. Hurlock stated Main Street has been finished.

c. Report from Water & Sewer Committee – Mr. Dias had no report.

d. Report from Equipment Committee – Mr. Smith had no report. Mr. Hurlock stated the backhoe is in the shop.

e. Report from Personnel Committee – Mr. Carrow stated Jeff has already reported on his new person. The part-time Municipal Clerk is working out very well for Sue.

f. Report from Police Committee – Mr. Dias had no report.

g. Report from Budget Committee – Mr. Smith had no report. A budget meeting is scheduled for September 28.

h. Report from Economic Development Committee – Mr. Carrow stated Railroad Days is Saturday, October 7, from 9:30 a.m. to 2:00 p.m. There will be a parade, festivities, and entertainment. We have about 40 vendors.

i. Report from DEMEC – Ms. DeBenedictis stated DEMEC hired a PR person. Public Power Week is the 1st week in October. Everyone has been given a copy of the billboard that will be put up. This will be put on Route 13 north of Route 1 at the south end entrance facing south.

This is going up September 18th and will be up for four (4) weeks. There will be a street banner sign (double sided). This will be put up on September 21st and will come down on October 9th. There will also be a 2 x 6.5 foot tall standing banner that will be put up in our lobby. This will be used to educate people on public power. There is also a coloring contest for children ages 5 – 9. The deadline for submission is October 7th. Pat McCullar has been asked to participate in Governor Carney's Offshore Wind Working Group. The annual dinner will be held at Dover Downs on September 20th. There was discussion about HB 181 – pole attachments in State right-a-ways. They have concerns about small cell attachments. Newark has an ordinance for this. She will inform Council when new information is available. Mr. Junge asked who owns the poles - State or Town? Ms. DeBenedictis stated the State. Mr. Hurlock stated Verizon owns most of our poles. The Town doesn't own many. Mr. Letterman stated Elsmere wanted a say in the past, but they don't.

j. Report from Board of Adjustments – Mr. Hurlock had no report.

k. Report from Planning & Zoning Committee – Mr. Hurlock stated they had a meeting on August 23. The plan is complete. Linda Raab said the approved changes are being made. We need to send to a public hearing. Mr. Letterman suggested having a booth at Railroad Days. On September 27th a meeting is scheduled to approve new plans for Ovations. They are changing to single-family homes. Mr. Carrow stated 150 homes? Mr. Hurlock stated he believes so.

l. Appeals Board – Mr. Hurlock had no report.

11. Unfinished Business

a. Second Reading and Vote – Town Ordinance Change (Section 1.2-2.6 and Section 1.2-3.2(5)). – Ms. DeBenedictis read the ordinance in its entirety. Mr. Letterman explained to the public that this was being changed if someone was having an undue hardship. They could sign a late fee waiver one time during the calendar year.

Mr. Carrow made a motion to accept the changes of Section 1.2-2.6 and Section 1.2-3.2(5) of the Town Ordinance in its written form. Mr. Dias seconded the motion. Motion carried unanimously.

b. Discuss and Vote on Acceptance of 2016 Audited Financial Statements.

Mr. Dias made a motion to accept the 2016 Audited Financial Statements. Ms. DeBenedictis seconded the motion. Motion carried unanimously.

12. New Business –

- a.** First Reading – An Ordinance by the Town of Clayton to Adopt the ICC International Residential Code and the International Building Code 2012 Editions and the 2012 Property Maintenance Code. Mr. Letterman stated we are catching up. Mr. Hurlock stated for building inspections our goal is to mirror Kent County. This will make it easier for the contractor. Mr. Letterman asked what version we are currently using. Mr. Hurlock stated 2006.
- b.** Vote to Approve Resolution and Territorial Agreement for Clayton Fire Company to Purchase New Pumper. Mr. Carrow stated this is a formality for the bank. Clayton Fire Company provides fire service to the Town as it has done for the past 126 years. Mr. Letterman asked does the Town have a financial obligation. Mr. Carrow stated no. We are just providing service. The Territorial Agreement does not need to be approved. This has already been done in the past.

Ms. DeBenedictis made a motion to approve the Resolution for Clayton Fire Company to Purchase a New Pumper. Mr. Carrow seconded the motion. Motion carried unanimously.

- c.** Discuss and Vote on handicap parking space in front of Clayton Elementary School. Mr. Letterman stated this request was asked by Clayton Elementary. They only have one handicap parking space. Ms. DeBenedictis stated the school has a handicap person. Mr. Hurlock has no issue with this. It can be put next to the other one. Mr. Smith stated put it next to the curb closest to the school.

Mr. Carrow made a motion to put a second handicap parking space in front of Clayton Elementary. Mr. Hurlock can place where he sees appropriate. Mr. Smith seconded the motion. Motion carried unanimously.

13. Public Forum – No comment from the public.

14. Adjournment

Mr. Dias made a motion to adjourn the meeting. Mr. Carrow seconded the motion. Motion carried unanimously. Meeting was adjourned at 7:34 p.m.

Recording Secretary,

Sue Muncey